

REMARKS

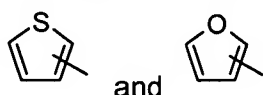
Claims 1-14 are pending.

Claims 1, 3, 4, 11-13, 15, 18 and 19 are amended.

Claim 7 is original.

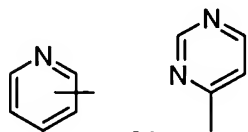
Claims 2, 5, 6, 8-10, 16, 17, 20 and 21 are as previously presented.

Claim 1 is amended to delete from lines 11-15 following the structure for formula I the phrases "a five-membered heterocyclic ring, containing one to three heteroatoms selected from the group of nitrogen, oxygen and sulfur, or ", "heteroatoms selected from the group of", "oxygen and sulfur," and "single five- or six-membered " and the structures



and . The section now reads :

"A¹ and A² are independently of each other a group comprising a six-membered heterocyclic ring, containing one to three nitrogens, wherein, if A¹ and A² are a heterocyclic ring of formula



, or , said heterocyclic".

Claim 1 is also amended to delete all material after the phrase "directly bonded to the DPP unit" which appears 12 lines later.

Claim 3 is amended to delete the structures first through fifth (1-5), eleventh and fifteenth through seventeenth (15-17) and the final line of the claim.

Claim 11 is amended to insert the phrase "according to claim 1" into the first line and to delete the reference to claim 1 from the final line, to add at the end of the claims the limitations for R⁵, R⁶ and R⁷ from original claim 1 and to delete all of the structures listed for A⁷ and A⁸ except for the second through fourth (2-4), twelfth, twenty-third, twenty-fourth (12, 23, 24) and twenty-seventh through thirtieth (27-30).

Claim 12 is amended to delete the first five, the eleventh and the last three structures.

Claims 13 and 15 are amended to insert the phrase "comprising a colored high molecular weight organic material" into the first line.

Claim 18 is amended to add at the end of the claims the limitations for R^5 , R^6 and R^7 from original claim 1 and to delete all of the structures listed for A^1 and A^2 except for the second through fourth (2-4), twelfth, twenty-third, twenty-fourth (12, 23, 24) and twenty-seventh through thirtieth (27-30).

Claim 19 is amended to delete the structures fourth through sixth (4-6), eighth and twelfth through eighteenth (12-18) and twenty-first.

All of the amendments are either to add clarity or to delete material due to restriction which material Applicants reserve the right to pursue in subsequent divisional applications. Support is inherent in the claims. No new matter is added.

RESTRICTION

The Examiner has asked Applicants to elect a single invention from the following:

Group I - Claims 1-13 and 15-21 drawn to compounds of formula I wherein $A^1=A^2$ =pyridine.

Group II - Claims 1-13 and 15-21 drawn to compounds of formula I wherein $A^1=A^2$ =thiophene.

Group III - Claims 1-13 and 15-21 drawn to compounds of formula I wherein

$A^1=A^2$ =alkylenedioxythiophene.

Group IV - Claims 1-13 and 15-21 drawn to compounds of formula I not covered by groups I-III.

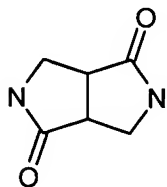
Applicants hereby elect with traverse Group I, Claims 1-13 and 15-21 as drawn to compounds of formula I wherein $A^1=A^2$ =pyridine.

Claim 1 as instantly amended limits A^1 and A^2 independently to a six-membered heterocyclic ring, containing one to three nitrogen which may be substituted, and which, in certain cases as detailed in the claim, must be substituted. Pyridine is of course a subset of this amended claim. All other heterocycles have been deleted from the instant claims which material may be pursued in subsequent divisional filings.

Applicants kindly ask that the Examiner consider the claims as amended, that is, wherein A¹ and A² are each selected from a 6 membered ring containing from 1-3 nitrogens. Should the Examiner not agree to this request, Applicants then kindly ask that upon finding the claimed compounds wherein A¹ and A² are each selected from a pyridine ring, ie, a 6 membered ring containing 1 nitrogen, the material wherein A¹ and A² are each selected from a 6 membered ring containing from 2-3 nitrogens be rejoined.

Before proceeding further with the justification for this request, Applicants respectfully, and with no intention to be confrontational, wish to address one particular issue in regarding the current the Action.

At the top of page 3 of the current Action, the Examiner states that the inventive material of the original claims relates to compounds with a core structure of



and all other are variables which do not constitute a linking technical feature.

Applicants respectfully disagree that this unsubstituted bis lactam is the core feature of the invention and respectfully, but strenuously disagree with the assertion that in a chemical invention a linking technical feature can not be claimed as a "variable", i.e., must necessarily comprise a single, specific formula. For example:

PCT RULE 13.3.

Determination of Unity of Invention Not Affected Manner of Claiming

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

Annex B of the MPEP relating to unity of invention, for example, section (f) "Markush Practice", in particular paragraph (iii) ' the words "recognized class of chemical compounds" mean that there is an expectation from a knowledge in the art that members of a class will behave in the same way within the context of the claimed invention".

Same section paragraph (iv), "The fact that the alternatives of a Markush grouping can be differently classified shall not, taken alone, be considered to be justification for finding a lack of unity of invention."

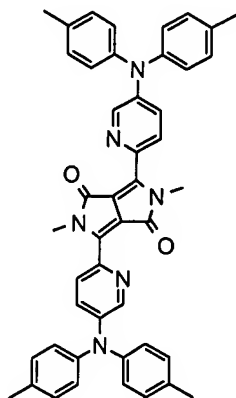
While Applicants believe the instantly claimed DPP compounds are novel, a large number of DPP compounds are known, many of the known compounds can be used in a manner similar to that of the instant invention (as detailed for example in the first 5 pages of the instant specification) and many known DPPs are in fact common, commercial pigments. The core structure as suggested in the Action lacks an important feature of all these DPPs, namely the substituents labeled in formula I as A¹ and A². To function adequately within the context of the invention, as well as in many other uses, substituents at these positions are needed.

Aromatic rings are commonly encountered as substituents at these positions and are known to impact the absorbance and emission profile of the compounds. Heteroaromatic substituents are also known. Applicants therefore take the position that the core structure of the inventive DPP compounds as originally claimed must reflect the presence of heteroaromatic rings at A¹ and A² as detailed in the claims. The fact that Applicants felt that it was more efficient to describe the nature of this claim element using words rather than try to represent this element in a structural formula should not be used as the determining factor as to whether this is a technical feature capable of linking an invention.

However, Applicants agree that it may be possible that the scope of the original claims may have presented the Examiner with an intimidating search. To further prosecution of the instant application, the claims are amended to limit A¹ and A² to only six-membered nitrogen containing heterocycles. Applicants further direct the Examiner to page 40 of the specification lines 15 to 21 and to the following few paragraphs. These paragraphs taken with the examples and disclosure as a whole make clear the aromatic nature of the substituents.

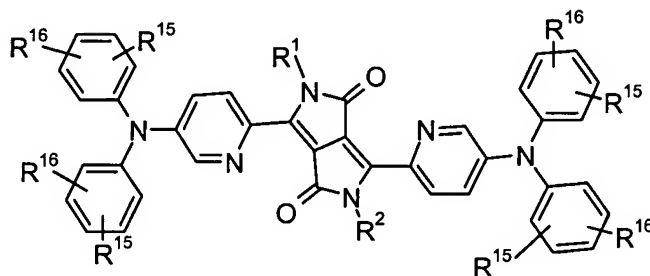
Applicants have kindly asked above that the Examiner either consider the claims as instantly amended, or to rejoin the material wherein the six-membered heterocycles contain 2-3 nitrogens upon finding the compounds related to pyridyl substituents novel. The DPPs substituted at A¹ and A² as described are especially useful as, for example, light emitting substances in luminescent devices. Applicants contend that there is sufficient experience in the art with such nitrogen containing heterocycles as they relate to light absorption and emission that the disclosure of one subset, eg, pyridyl, will direct others in how to use the remaining members of this heterocycle class.

The Examiner has also asked for a single species to be elected with which to begin examination. Applicants respectfully elect the compound G-13 of Example 4 on page 58 of the instant invention:



(G-13; Example 4).

This is the compound of the first structure of claim 4:



wherein R1, R2 and R15 are methyl and R16 is H and is encompassed by all claims except claims 11 and 12.

Consideration of the elected claims on their merits is respectfully awaited.

Respectfully submitted,

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